

| | | |
|---|--|---------------------------------|
| FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary) | ATTY. DOCKET NO. NET-P01-2288.01 | SERIAL NO. 10/772,017 |
| | APPLICANT Slager et al. | |
| | FILING DATE February 4, 2004 | GROUP 2114 |

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|---------------------|-----------------|---------|------------------|-------|----------|-------------------------------|
| | 4,635,145 | 01/1987 | Horie et al. | | | |
| | 4,775,989 | 10/1988 | Ostlund | | | |
| | 5,438,674 | 08/1995 | Keele et al. | | | |
| | 5,455,928 | 10/1995 | Keele et al. | | | |
| | 5,666,536 | 09/1997 | DeNicola | | | |
| | 5,673,382 | 09/1997 | Cannon et al. | | | |
| | 5,774,282 | 06/1998 | Georgiou et al. | | | |
| | 5,774,715 | 06/1998 | Madany et al. | | | |
| | 5,805,864 | 09/1998 | Carlson et al. | | | |
| | 5,809,511 | 09/1998 | Peake | | | |
| | 5,809,543 | 09/1998 | Byers et al. | | | |
| | 5,854,720 | 12/1998 | Shrinkle et al. | | | |
| | 5,872,669 | 02/1999 | Morehouse et al. | | | |
| | 5,911,779 | 06/1999 | Stalmo et al. | | | |
| | 5,949,970 | 09/1999 | Sipple et al. | | | |
| | 5,961,613 | 10/1999 | DeNicola | | | |
| | 5,963,971 | 10/1999 | Fosler et al. | | | |
| | 6,021,408 | 02/2000 | Ledain et al. | | | |
| | 6,023,709 | 02/2000 | Anglin et al. | | | |
| | 6,029,179 | 02/2000 | Kishi | | | |
| | 6,041,329 | 03/2000 | Kishi | | | |
| | 6,044,442 | 03/2000 | Jesionowski | | | |
| | 6,049,848 | 04/2000 | Yates et al. | | | |
| | 6,061,309 | 05/2000 | Gallo et al. | | | |
| | 6,070,224 | 05/2000 | LeCrone et al. | | | |
| | 6,098,148 | 08/2000 | Carlson | | | |

| | |
|-----------------|------------------------|
| EXAMINER | DATE CONSIDERED |
|-----------------|------------------------|

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

| | | |
|--|-------------------------------------|--------------------------|
| FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary) | ATTY. DOCKET NO. NET-P01-2288.01 | SERIAL NO. 10/772,017 |
| | APPLICANT Stager et al. | |
| | FILING DATE February 4, 2004 | GROUP 2114 |

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | DATE | NAME | CLASS | SUBCLASS | FILING DATE IF APPROPRIATE |
|---------------------|-----------------|---------|--------------------|-------|----------|-------------------------------|
| | 6,128,898 | 10/2000 | Georgis | | | |
| | 6,131,142 | 10/2000 | Kamo et al. | | | |
| | 6,163,856 | 12/2000 | Dion et al. | | | |
| | 6,173,359 | 01/2001 | Carlson et al. | | | |
| | 8,195,730 | 02/2001 | West | | | |
| | 6,225,709 | 05/2001 | Nakajima, Hiroshi | | | |
| | 6,247,096 | 06/2001 | Fisher et al. | | | |
| | 8,260,110 | 07/2001 | LeCrone et al. | | | |
| | 8,286,784 | 07/2001 | Hsiao et al. | | | |
| | 8,289,423 | 07/2001 | Kishi | | | |
| | 8,289,431 | 07/2001 | Dunham | | | |
| | 8,282,609 | 08/2001 | Carlson | | | |
| | 8,289,425 | 09/2001 | Blendermann et al. | | | |
| | 8,304,880 | 10/2001 | Kishi | | | |
| | 6,317,814 | 11/2001 | Blendermann et al. | | | |
| | 6,324,497 | 11/2001 | Yates et al. | | | |
| | 6,327,418 | 12/2001 | Barlon | | | |
| | 6,336,163 | 01/2002 | Brewer et al. | | | |
| | 6,336,173 | 01/2002 | Day et al. | | | |
| | 6,339,778 | 01/2002 | Kishi | | | |
| | 6,341,329 | 01/2002 | LeCrone et al. | | | |
| | 6,343,342 | 01/2002 | Carlson | | | |
| | 6,353,837 | 03/2002 | Blumenau | | | |
| | 6,360,232 | 03/2002 | Brewer et al. | | | |
| | 6,389,503 | 05/2002 | Georgis et al. | | | |
| | 6,408,359 | 06/2002 | Ito et al. | | | |

| | |
|----------|-----------------|
| EXAMINER | DATE CONSIDERED |
|----------|-----------------|

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

| | | | | | | | |
|--|---|--------------|---------|-------------------------------------|--|--------------------------|--|
| FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary) | | | | ATTY. DOCKET NO. NET-P01-2288.01 | | SERIAL NO. 10/772,017 | |
| | | | | APPLICANT Stager et al. | | | |
| | | | | FILING DATE February 4, 2004 | | GROUP 2114 | |
| U.S. PATENT DOCUMENTS | | | | | | | |
| | | 6,487,561 | 11/2002 | Ofek et al. | | | |
| | | 6,499,026 | 12/2002 | Rivette et al. | | | |
| | * | 6,557,073 | 04/2003 | Fujiwara | | | |
| | | 6,557,089 | 04/2003 | Reed et al. | | | |
| | | 8,725,331 | 04/2004 | Kodem, Ishay | | | |
| | | 8,779,057 | 08/2004 | Masters, et al. | | | |
| | | 8,779,058 | 08/2004 | Kishi et al. | | | |
| | | 8,779,081 | 08/2004 | Arakawa et al. | | | |
| | | 6,816,941 | 11/2004 | Carlson et al. | | | |
| | | 6,816,942 | 11/2004 | Okada et al. | | | |
| | | 8,931,557 | 08/2005 | Togawa, Yoshifusa | | | |
| | | 8,950,263 | 09/2005 | Suzuki et al. | | | |
| | * | 8,973,534 | 12/2005 | Dawson | | | |
| | * | 8,978,325 | 12/2005 | Gibble | | | |
| | | 7,032,126 | 04/2006 | Zalewski et al. | | | |
| | | 2002/0016827 | 02/2002 | McCabe et al. | | | |
| | | 2002/0026595 | 02/2002 | Saitou et al. | | | |
| | | 2002/0144057 | 10/2002 | Li et al. | | | |
| | | 2002/0166079 | 11/2002 | Ulrich et al. | | | |
| | | 2003/0004980 | 01/2003 | Kishi et al. | | | |
| | | 2003/0037211 | 02/2003 | Winokur | | | |
| | | 2003/0120676 | 06/2003 | Holavanahalli et al. | | | |
| | * | 2003/0182350 | 09/2003 | Dewey | | | |
| | | 2003/0188208 | 10/2003 | Fung, Henry T. | | | |
| | | 2004/0015731 | 01/2004 | Chu et al. | | | |
| | | 2004/0181707 | 09/2004 | Fujibayashi, Akira | | | |
| | | 2005/0010529 | 01/2005 | Zalewski et al. | | | |
| EXAMINER | | | | DATE CONSIDERED | | | |

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

| | | | | | | | |
|--|--|-----------------|---------|-------------------------------------|-------|--------------------------|-----------------------|
| FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary) | | | | ATTY. DOCKET NO. NET-P01-2288.01 | | SERIAL NO. 10/772,017 | |
| | | | | APPLICANT Stager et al. | | | |
| | | | | FILING DATE February 4, 2004 | | GROUP 2114 | |
| U.S. PATENT DOCUMENTS | | | | | | | |
| | | 2005/0063374 | 03/2005 | Rowan et al. | | | |
| | | 2005/0065962 | 03/2005 | Rowan et al. | | | |
| | | 2005/0066118 | 03/2005 | Perry et al. | | | |
| | | 2005/0066222 | 03/2005 | Rowan et al. | | | |
| | | 2005/0066225 | 03/2005 | Rowan et al. | | | |
| | | 2005/0076261 | 04/2005 | Rowan et al. | | | |
| | | 2005/0076262 | 04/2005 | Rowan et al. | | | |
| | | 2005/0076264 | 03/2005 | Rowan et al. | | | |
| | | 2006/0047895 | 03/2006 | Rowan et al. | | | |
| | | 2006/0047902 | 03/2006 | Passerini, Ron | | | |
| | | 2006/0047903 | 03/2006 | Passerini, Ron | | | |
| | | 2006/0047925 | 03/2006 | Passerini, Ron | | | |
| | | 2006/0047989 | 03/2006 | Delgado et al. | | | |
| | | 2006/0047998 | 03/2006 | Darcy, Jeff | | | |
| | | 2006/0047999 | 03/2006 | Passerini et al. | | | |
| FOREIGN PATENT DOCUMENTS | | | | | | | |
| | | DOCUMENT NUMBER | DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION YES NO |
| | | EP 1 671 231 | 06/2006 | Rowan et al. | | | |
| | | WO2005/031576 | 04/2005 | Rowan et al. | | | |
| | | WO2006/023990 | 03/2006 | Perry, Robert | | | |
| | | WO2006/023991 | 03/2006 | Rowan et al. | | | |
| | | WO2006/023992 | 03/2006 | Passerini, Ron | | | |
| | | WO2006/023993 | 03/2006 | Rowan et al. | | | |
| | | WO2006/023994 | 03/2006 | Rowan et al. | | | |
| | | WO2006/023995 | 03/2006 | Perry, Robert | | | |
| | | | | | | | |
| EXAMINER | | | | DATE CONSIDERED | | | |

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

| | | | |
|---|--|---|--------------------------|
| FORM PTO-1449 | | ATTY. DOCKET NO. NET-P01-2268.01 | SERIAL NO. 10/772,017 |
| U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE | | APPLICANT Stager et al. | |
| | | FILING DATE February 4, 2004 | GROUP 2114 |
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary) | | | |
| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | | |
| | | *Alacritus Software's Securitus I: Pointing the Way to Virtual Tape Libraries* Aberdeen Group, Inc., March 2002. | |
| | | *Continuous Data Protection: Business Continuity for the Era of Networked Storage: An Executive White Paper* Aberdeen Group, Inc., July 2003. | |
| | | *Alacritus Software's Chronospan: Make Time for Continuous Data Protection* Aberdeen Group, Inc., October 2003. | |
| | | Hill, David *Alacritus Software's Securitus: Defining the Way to Virtual Tape Libraries* Aberdeen Group, Inc., July 2003. | |
| | | *Alacritus Software's Securitus: Defining the Way to Virtual Tape Libraries* Aberdeen Group, Inc., July 2003. | |
| | | *Product Brief: Rhapsody/Alacritus-Securitus/XPath Virtual Tape in the Fabric* The Enterprise Storage Group, August 2002. | |
| | | *Alacritus Software Announces Securitus I, The Industry's First Virtual Tape Library Solution: Securitus I Heralds Advent of 'Disruptive Technology' that Serves as Replacement to Tape Libraries* Alacritus Software, Inc., June 25, 2001. | |
| | | *Alacritus, Hitachi CP and Nissho Team to Create Virtual Tape Library Appliance: Industry's First Virtual Tape Library Appliance to Replace Storage Tape Libraries* Alacritus Software, Inc., June 25, 2001. | |
| | | *Hitachi CP, Nissho, and Alacritus Software Bring Virtual Tape Library Appliance Solution to Market: Three Companies Join to Deliver VTLA Smart Guard - A Disk Subsystem Product that Functions as a Virtual Storage Tape Library* Alacritus Software, Inc., October 3, 2001. | |
| | | Trimmer, Don, "Tape Free Backup/Recovery: Requirements and Advantages: Virtualization Technology Will Encompass Many Applications, One of the Most Significant Possibly Being Backup/Recovery" InfoStor, March 2002. | |
| | | *Alacritus Software Announces Virtual Tape Library Support for Legato NetWorker Data Protection Solution* Alacritus Software, Inc., January 8, 2002. | |
| EXAMINER | | DATE CONSIDERED | |

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

| | | | |
|--|--|--|--------------------------|
| FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary) | | ATTY. DOCKET NO. NET-P01-2288.01 | SERIAL NO. 10/772,017 |
| | | APPLICANT Stager et al. | |
| | | FILING DATE February 4, 2004 | GROUP 2114 |
| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | | |
| | | Camphuisen, Alicia, "Hitachi Inks OEM Deal with Legato" Knapp Comm., July 17, 2002. | |
| | | "Alacritus Announces Disk-Based Successor to Tape" Knapp Comm., August 21, 2002. | |
| | | Biggar, Heidi, "Alacritus Enables Disk-Based Backup" InfoStor, September 2001. | |
| | | "Securitus I White Paper: Disk Based Data Protection from Alacritus Software" Alacritus Software, Inc., July 2001. | |
| | | "Alacritus Software FAQs" Alacritus Software, Inc., July 2001. | |
| | | "Disk-Based Data Protection" Alacritus Software, Inc., July 2001. | |
| | | "Virtual Tape Library Technology Brochure" Alacritus Software, Inc., July 2001. | |
| | | "Disk-Based Data Protection" Alacritus Software, Inc., September 2001. | |
| | | "Disk-Based Data Protection" Alacritus Software, Inc., September 2002. | |
| | | Payack, Paul JJ, "Alacritus Lines Up OEM Partners for Virtual Tape Library Push" The (451) Storage & Systems, October 4, 2002. | |
| | | Payack, Paul JJ, "Alacritus Software Announces Continuous Data Protection with New Chronospan Technology" October 28, 2003. | |
| | | Payack, Paul JJ, "Alacritus Software Announces New Customers for Securitus VTLA" Alacritus Software, January 13, 2004. | |
| EXAMINER | | DATE CONSIDERED | |

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

| | | | |
|--|--|---|--------------------------|
| FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary) | | ATTY. DOCKET NO. NET-P01-2288.01 | SERIAL NO. 10/772,017 |
| | | APPLICANT Stager et al. | |
| | | FILING DATE February 4, 2004 | GROUP 2114 |
| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | | |
| | | Baltazar, Henry "Weaving Apps Into SAN Fabric" eWEEK, March 24, 2003. | |
| | | Baltazar, Henry "More Intelligence is on the Way" eWEEK, September 15, 2003. | |
| | | Barrett, Alex "The Case for Network Smarts" Storage Magazine, June 2003. | |
| | | "Securitus White Paper: Disk Based Data Protection from Alacritus Software" Alacritus Website, October 2003. | |
| | | "Manageability: Securitus v. Tape" Alacritus Website, October 2003. | |
| | | "The SNIA Data Management Forum Created to Tackle Data Protection and Information Lifecycle Management Issues: Enhanced Backup Solutions Initiative Rolls Efforts into New SNIA Forum" Storage Networking Industry Association, October 13, 2003. | |
| | | "No Changes Required: Securitus v. Tape" Alacritus Website, October 2003. | |
| | | "Customer Success" Alacritus Website, October 2003. | |
| | | "Chronospan" Alacritus Website, October 2003. | |
| | | "Alacritus Software Announces Securitus I, the Industry's First Virtual Tape Library Solution: Securitus I Heralds Advent of 'Disruptive Technology' that Serves as Replacement to Tape Libraries" Alacritus Software, Inc., April 9, 2002. | |
| | | Biggar, Heidi, "Disk and Tape Forge New Partnership in Backup Arena" InfoStor, November 2001. | |

| | |
|----------|-----------------|
| | |
| EXAMINER | DATE CONSIDERED |

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

| | | | |
|--|--|--|--------------------------|
| FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary) | | ATTY. DOCKET NO. NET-P01-2288.01 | SERIAL NO. 10/772,017 |
| | | APPLICANT Stager et al. | |
| | | FILING DATE February 4, 2004 | GROUP 2114 |
| OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.) | | | |
| | | Preston, W. Curtis, "Surprise! Cheap Disks Cure Slow Backup" Storage Magazine, June 1, 2002. | |
| | | "Alacritus, Hitachi CP and Nissho Team to Create Virtual Tape Library" internetnews.com, June 25, 2001. | |
| | | "Alacritus Software and Rhapsody Networks to Develop Breakthrough Backup Solutions for Storage Networks: Companies to Provide First Network-Intelligent Virtual Tape Solution Resulting in Dramatic ROI, Increases in Data Backup Performance and Scalability" Alacritus Software, July 8, 2002. | |
| | | Komiega, Kevin, "Vendor Pushes Disk Backup Over Tape" SearchStorage.com January 10, 2003. | |
| | | "Testimonials" Alacritus Website, October 2003. | |
| | | "Seamless Integration" Alacritus Website, October 2003. | |
| | | "Topologies" Alacritus Website, October 7, 2003. | |
| | | "Securitus" Alacritus Website, October 2003. | |
| | | "Scalability: Securitus v. Tape" Alacritus Website, October 2003. | |
| | | "Strengths: Securitus v. Tape" Alacritus Website, October 2003. | |

| | |
|----------|-----------------|
| EXAMINER | DATE CONSIDERED |
|----------|-----------------|

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.